

FROM :

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Stein et al.

Application No.: 09/593,288

Group Art Unit: 1652

Filed: June 13, 2000

Examiner: Y. Pak

For: Mitogen-Activated Protein Kinase  
Kinase MEK6 and Variants Thereof

Attorney Docket No.: 10624-021-999

DECLARATION OF THE INVENTORS UNDER 37 C.F.R. § 1.131Assistant Commissioner for Patents  
Washington, DC 20231

We, BERND STEIN and MARIA X. H. YANG, do declare and state that:

1. We are the named inventors of the invention disclosed and claimed in the above-identified patent application, Serial No. 09/593,288.

2. Bernd Stein is a Director at Signal Pharmaceuticals, Inc. at 5555 Oberlin Drive, San Diego, CA 92121.

3. Maria X. H. Yang who is no longer employed by Signal Pharmaceuticals, Inc., currently resides at 151 South Brooksedge Circle The Woodlands, Texas 77382.

4. We conceived of and reduced to practice the invention described and claimed in the present application in the United States of America, prior to September 19, 1995, which is the effective date of Davis *et al.* (U.S. Patent No. 5,736,381). This is evidenced by the facts described below and the evidence in the attached exhibit.

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5. Attached hereto is Exhibit A which is a copy of documents that report and describe work done by us or others under our supervision and direction or on our behalf in the United States prior to September 19, 1995.

6. We have reviewed each of the documents shown in Exhibit A. Although the dates have been redacted, the date of each of the documents shown in Exhibit A is prior to September 19, 1995.

7. The documents in Exhibit A are page 40 of Notebook #114 and the attached autoradiogram. The notebook page was recorded in the United States and discloses the subject matter of Davis *et al.* (United States Patent Number 5,736,381 filed September 19, 1995) relied upon by the Examiner in the Office Action mailed September 21, 2001. Page 40 of Notebook #114 demonstrates the expression of a cDNA encoding an isolated polypeptide comprising the amino acid sequence corresponding to that of SEQ ID NO:2.

8. We declare further that all statements made in this Declaration of our knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 3/21/02

Bernd Stein  
Bernd Stein

Dated: 3/21/02

Maria X. H. Yang  
Maria X. H. Yang

Exhibit 1: Notebook #114 page 40 recorded by Bernd Stein and witnessed by Cheryl L. Spooner.

In vitro transcription / translation

09/593,288

Tut Coupled Reticulocyte Lysate System (Promega)  
25 $\mu$ l reaction

	<u>T7</u>	<u>SP6</u>
Tut Lysate	12.5 $\mu$ l	{
Reaction buffer	1 $\mu$ l	
Polymerase	0.5 $\mu$ l T7	0.5 $\mu$ l SP6
$\alpha$ -Met	0.5 $\mu$ l	{
35S Met (3/24/95)	2 $\mu$ l	
RNasin	0.5 $\mu$ l	
Template	2.5 $\mu$ l (0.5 $\mu$ g)	
H <sub>2</sub> O	5 $\mu$ l	



90' 30°C

120' 30°C

Templates are MiniPrep DNA: 5' STES #1, 2, 8 (6/24/95, p38)  
Pl. F00521 #16, 17 (6/22/95, p39)

load 2 $\mu$ l of 25 $\mu$ l reaction on 10% SDS-PAGE gel, 2 $\mu$ l 7C-Master  
(Novex)

run Gel 25 W, fix 15' 10% HAc, fix 45' Dupont Eukemix

use wood block bands  
multiple bands in lanes 2-12

Read and Understood By

R. Spe

Signed

Date

W. J. [Signature]

Signed

Date

only

